

SECOND DECLARATION OF ALI DANESHY

1. My name is Ali Daneshy. I am over the age of twenty-one (21) years, of sound mind, and capable of making the statements set forth in this Declaration. I am competent to testify about the matters set forth herein. All the facts and statements contained herein are within my personal knowledge and they are, in all things, true and correct.

2. I have been asked by Baker Hughes Incorporated (“Baker Hughes”) to submit this declaration to rebut certain arguments that I have been informed have been made by Rapid Completions and/or Mr. McGowen. This declaration will address the ’505, ’634, ’774, ’009, and ’451 Patents.

3. I have reviewed Mr. McGowen’s two declarations – Ex. 2006 and Ex. 2036. I have also reviewed the transcript of his deposition, the drawings he made at the deposition (Ex. 1033), the drawing he reviewed (Ex. 1032), and the references I discuss below. I have also reviewed the redacted version of the Patent Owner Response for the ’774 Patent, and the redacted version of the Patent Owner Response for the ’505 Patent.

I. Thomson-Brown

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Section V.C. of the Patent Owner Response f

BAKER HUGHES INCORPORATED AND BAKER HUGHES OILFIELD OPERATIONS, INC. EXHIBIT 1031 BAKER HUGHES INCORPORATED AND BAKER HUGHES OILFIELD OPERATIONS, INC. v. PACKERS PLUS ENERGY SERVICES, INC. IPR2016-00596
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I. Thomson-Brown

4. I understand that Rapid Completions made the following arguments in Section V.C. of the Patent Owner Response for the ’505 Patent:

Moreover, Petitioners fail to show that Thomson could be used with Brown's movable mandrel packer. As shown below in Petitioners' annotated Figures 1 and 2 (further annotated by Rapid Completions to identify the mandrel in orange), Brown's packer includes a central mandrel 11 that supports an anchoring and sealing assembly 12. (Ex. 1005, Brown, 4:33–36.)

[The annotated Brown Figures 1 and 2, which I repeat below, were included next.]

Brown's anchoring and sealing assembly 12 includes seal elements 13 and 14, slip elements 15, a piston ring 19 that moves over mandrel 11, and a retaining end piece 20 that is fixed to mandrel 11. (Brown, 4:38–39, 63–66.) Moving piston ring 19 towards end piece 20 forces lower and upper cone spreaders 21 and 22 toward each other, wedging slip elements 15 outwardly into anchoring engagement with a casing C. (Brown, 4:68–5:6.) Once slip elements 15 are set, “the forces exerted by the setting fluid cause the mandrel 11 to move downwardly.” (Brown, 6:16–18.) Brown further describes “continued downward movement of the mandrel after the upper cone 22 engages the slips.” (Brown, 6:20–23.)

Thomson, unlike Brown where the mandrels move, teaches away from using packers that have a movable mandrel, stating that packers with no mandrel movement is an “important requirement”:

An important requirement in completions using multiple hydraulic-set packers is that no mandrel movement in relation to the slips of the packer should occur while setting. This enables any number of hydraulic-set packers to be set

simultaneously without the requirement for expansion devices between the packers to account for mandrel movement.

(Ex. 1002, Thomson, p. 98.) Thomson continues to emphasize the importance of no movement with the mandrels by identifying packers having no mandrel movement as a “key element”: “The key elements that contributed to these successful installations were . . . : [h]ydraulic [s]et [p]ackers with no [m]andrel [m]ovement.” (Thomson, p. 100 (emphasis added).)

Because Thomson’s system requires a non-movable mandrel, a POSITA would not only have been discouraged, but would have been led in a different direction. The teaching away means that the combination of Thomson, Echols and Brown is nonobvious. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007) (When the prior art teaches away from combining known elements, the combination is likely nonobvious); *see also, In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994) (A prior art reference teaches away when a person of ordinary skill, after reading the prior art reference, would be (1) discouraged from following the path set out in the reference or (2) led in a direction divergent from the path that was taken by the applicant.)

5. I do not agree that a packer like Brown’s could not be used in Thomson’s system, or that Thomson’s teachings would have discouraged a POSITA from using Brown’s packer.

6. Thomson states: “An important requirement in completions using multiple hydraulic-set packers is that no mandrel movement in relation to the slips

of the packer should occur while setting. This enables any number of hydraulic-set packers to be set simultaneously without the requirement for expansion devices between the packers to account for mandrel movement.” Thomson at 98, 100 (“The use of these packers enabled any number of packers to be run in a one trip completion without having to run travel joints between them to ensure that all packers would be set at the same time.”).

7. In other words, Thomson teaches avoiding packers—like tension operated packers that are set by pulling the tubing string rather than by hydraulic pressure—that require mandrel movement to set slips unless expansion joints or devices are included between them. Otherwise, such mandrel movement could set some slips before others, precluding simultaneous packer setting (Thomson’s stated goal); but that is not how Brown’s packer works.

8. As Brown’s Figures 1 and 2 show (below), the movement of fluid pressure-driven cone spreader elements 21 and 22 sets slips 15, not pulling on the packer mandrel 11, which is denoted “PACKER BODY” below:

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